

BOARD OF PUBLIC EDUCATION
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Subchapter 1

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10.55.106 APPROVAL OF NEW SCHOOLS (REPEALED) (History: 20-7-101 MCA; IMP, 20-6-502, 20-6-503, 20-6-504, 20-6-505 MCA; Eff. 7/1/76; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.107 SCHOOL SPECIALISTS (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; REP, 1989 MAR p. 342, Eff. 7/1/89.)

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10.55.109 OPPORTUNITY AND EDUCATIONAL EQUITY (REPEALED) (History: 20-2-121(7) MCA; IMP, 20-7-101 MCA; NEW, 1985 MAR p. 352, Eff. 4/12/85; REP, 1989 MAR p. 342, Eff. 7/1/89.)

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Administration and Supervision

10.55.201 INTRODUCTION (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA, Eff. 7/1/76; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.55.202 BOARD OF TRUSTEES (REPEALED) (History: 20-7-101 MCA; IMP, 20-1-301, 20-1-303 MCA; ARM Pub. 11/26/77; AMD, 1979 MAR p. 158, Eff. 2/16/79; AMD, 1979 MAR p. 1125, Eff. 9/28/79; AMD, 1981 MAR p. 606, Eff. 6/26/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1984 MAR p. 827, Eff. 5/19/84; AMD, 1986 MAR p. 1975, Eff. 6/27/86; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.203 ADMINISTRATION AND SUPERVISION (REPEALED) (History: 20-7-101 MCA; IMP, 20-4-401, 20-4-402 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1987 MAR p. 102, Eff. 1/30/87; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.204 PRINCIPAL (REPEALED) (History: 20-7-101 MCA; IMP, 20-4-403 MCA; Eff. 7/1/76; AMD, 1979 MAR p. 446, Eff. 5/11/79; AMD, 1981 MAR p. 607, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2017, Eff. 11/11/82; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.205 PROFESSIONAL DEVELOPMENT (REPEALED) (History: 20-7-101, 20-2-121(6) MCA; IMP, 20-7-101, 20-1-304 MCA; Eff. 7/1/76; AMD, 1981 MAR p. 608, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1985 MAR p. 353, Eff. 9/1/86; AMD, 1987 MAR p. 102, Eff. 1/30/87; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.206 REPORTS (REPEALED) (History: 20-7-101 MCA; IMP, 20-3-324, 20-7-102 MCA; Eff. 7/1/76; REP, 1981 MAR p. 608, Eff. 6/26/81.)

10.55.207 STUDENT RECORDS (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; AMD, 1981 MAR p. 608, Eff. 6/26/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.208 EXTRACURRICULAR FUNDS (REPEALED) (History: 20-7-101 MCA; IMP, 20-9-504 MCA; Eff. 7/1/76; REP, 1981 MAR p. 608, Eff. 6/26/81.)

10.55.209 STANDARD SCHOOL DAY (REPEALED) (History: 20-7-101 MCA; IMP, 20-1-101, 20-1-302, 20-9-311 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.210 SCHOOL MORALE (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; REP, 1989 MAR p. 342, Eff. 7/1/89.)

Subchapter 3

Personnel

10.55.301 INTRODUCTION (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.55.302 CERTIFICATES (REPEALED) (History: 20-7-101 MCA; IMP, 20-4-101, 20-4-202 MCA; NEW, Eff. 7/1/76; AMD, 1981 MAR p. 609, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1984 MAR p. 828, Eff. 5/18/84; AMD, 1984 MAR p. 1471, Eff. 9/1/85; AMD, 1986 MAR p. 1019, Eff. 6/13/86; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.303 TEACHING ASSIGNMENTS (REPEALED) (History: 20-7-101 MCA; IMP, 20-4-101, 20-4-202 MCA; NEW, Eff. 7/1/77; AMD, 1978 MAR p. 1492, Eff. 10/27/78; AMD, 1981 MAR p. 609, Eff. 6/26/81; AMD, 1985 MAR p. 599, Eff. 5/31/85; AMD, 1986 MAR p. 1901, Eff. 11/15/86; AMD, 1988 MAR p. 1812, Eff. 8/12/88; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.304 TEACHER LOAD: HIGH SCHOOL, JUNIOR HIGH SCHOOL, MIDDLE SCHOOL AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; NEW, Eff. 7/1/76; AMD, 1981 MAR p. 609, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.305 TEACHER LOAD: ELEMENTARY SCHOOLS (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/77; AMD, 1981 MAR p. 610, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; REP, 1989 MAR p. 342, Eff. 7/1/89.)

Subchapter 4

School Program

10.55.401 INTRODUCTION (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.55.402 BASIC INSTRUCTIONAL PROGRAM: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (REPEALED) (History: 20-2-121(7), 20-7-101, 20-7-111, MCA; IMP, 20-7-111, 20-2-121(7), 20-7-101, MCA; Sec. (5) Eff. 7/1/77, Sec. (2) Eff. 7/1/77 and 2/1/85; Remaining Sec. Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 610, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2017, Eff. 11/11/82; AMD, 1985 MAR p. 111, Eff. 2/1/85; AMD, 1987 MAR p. 102, Eff. 1/30/87; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.403 BASIC INSTRUCTIONAL PROGRAM: ELEMENTARY

(REPEALED) (History: 20-7-101 MCA; IMP, 20-7-111 MCA; Eff. 7/1/77; ARM Pub. 11/26/77; AMD, 1981 MAR p. 613, Eff. 6/25/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 1606, Eff. 8/27/82; AMD, 1982 MAR p. 2017, Eff. 11/11/82; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.404 LIBRARY MEDIA SERVICES, K-12 (REPEALED) (History: 20-7-

101 MCA; IMP, 20-7-202 MCA; Sec. (3) Eff. 7/1/77; Remaining Sec. Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 613, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2017, Eff. 11/11/82; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.405 LIBRARY SERVICES ELEMENTARY (REPEALED) (History: 20-

7-101 MCA; IMP, 20-7-202 MCA; Eff. 7/1/77; ARM Pub. 11/26/77; REP, 1981 MAR p. 613, Eff. 6/26/81.)

10.55.405A GIFTED AND TALENTED (REPEALED) (History: 20-2-121(7)

and (11) MCA; IMP, 20-7-101 MCA; NEW, 1984 MAR p. 1182, Eff. 7/1/90; REP, 1987 MAR p. 591, Eff. 5/15/87.)

10.55.406 GUIDANCE AND COUNSELING: HIGH SCHOOL, JUNIOR HIGH SCHOOL, MIDDLE SCHOOL AND 7 AND 8 GRADES FUNDED AT HIGH SCHOOL RATES (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 615, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.407 GUIDANCE AND COUNSELING: ELEMENTARY (REPEALED)

(History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; REP, 1989 MAR p. 342, Eff. 7/1/89.)

Rules 10.55.408 and 10.55.409 reserved

10.55.410 SPECIAL EDUCATION: MINIMUM REQUIREMENTS

(REPEALED) (History: 20-7-101 MCA; IMP, 20-7-402 MCA; NEW, 1982 MAR p. 2018, Eff. 11/11/82; REP, 1989 MAR p. 342, Eff. 7/1/89.)

Subchapter 5

School Facilities

10.55.501 INTRODUCTION (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 615, Eff. 6/26/81; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.55.502 SITE AND GROUNDS (REPEALED) (History: 20-7-101 MCA; IMP, 20-6-621, MCA; Eff. 7/1/76; ARM pub. 11/26/77; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.503 SCHOOL PLANT AND FACILITIES (REPEALED) (History: 20-7-101 MCA; IMP, 20-3-324, 20-6-622, 20-6-624 MCA, Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 615, Eff. 6/26/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.504 MAINTENANCE (REPEALED) (History: 20-7-101 MCA; IMP, 20-7-101 MCA, Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1984 MAR p. 827, Eff. 5/18/84; REP, 1989 MAR p. 342, Eff. 7/1/89.)

10.55.505 SAFETY (REPEALED) (History: 20-7-101 MCA; IMP, 20-1-401 MCA; Eff. 7/1/76; ARM Pub. 11/26/77; AMD, 1981 MAR p. 616, Eff. 6/26/81; REP, 1986 MAR p. 1020, Eff. 6/13/86.)

Subchapter 6

General Provisions

10.55.601 ACCREDITATION STANDARDS: PROCEDURES (1) The Board of Public Education adopts standards of accreditation upon the recommendation of the State Superintendent of Public Instruction.

(2) The board and the Office of Public Instruction establish procedures and schedules for reviewing the accreditation status of each school.

(3) To ensure continuous education improvement, the school district shall develop, implement, evaluate, and revise a five-year comprehensive education plan.

(a) This plan shall include:

(i) a school district level education profile as described in guidance provided periodically by the Office of Public Instruction;

(ii) the school district's educational goals in accordance with ARM 10.55.701;

(iii) a description of planned progress toward implementing all content, performance, and program area standards, in accordance with the schedule in ARM 10.55.603;

(iv) a description of strategies for assessing student progress toward meeting all content and performance standards, in accordance with ARM 10.55.603; and

(v) a professional development component, in accordance with ARM 10.55.714.

(b) By May 1, 2003, the district trustees shall file their adopted five-year comprehensive education plan with the Office of Public Instruction and make their plan available to employees and the public.

(c) The Office of Public Instruction shall develop and implement procedures necessary to monitor and evaluate the effectiveness of each school district's comprehensive education plan.

(4) To ensure continuous educational improvement and to meet the identified needs of students in every school, every school in the district shall develop and have on file in the district office a comprehensive education plan.

(5) To ensure continuous educational improvement, the Office of Public Instruction shall provide guidance, resources, and evaluation to assist in the implementation of district and school plans to improve teaching and learning for all students.

(6) School districts are required to maintain present programs that meet current standards until such standards are superseded. The content and performance standards will supersede model learner goals according to the following schedule:

- (a) Reading -- November 1998;
 - (b) Mathematics -- November 1998;
 - (c) Science -- October 1999;
 - (d) Technology -- October 1999;
 - (e) Health enhancement -- October 1999;
 - (f) Communication arts aligned to the reading content and performance standards -- October 1999;
 - (g) World languages -- October 1999;
 - (h) Social studies -- October 2000;
 - (i) Arts -- October 2000;
 - (j) Library media -- October 2000;
 - (k) Workplace competencies -- October 2000;
 - (l) Vocational/technical education -- October 2001.
- (7) On or before July 1, 2004, a school district shall align its curriculum to the state content and performance standards and program area standards as adopted by the Board of Public Education. A school district shall maintain programs to align with the state's schedule for revising standards. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1992 MAR p. 43, Eff. 1/17/92; AMD, 1992 MAR p. 1472, Eff. 7/17/92; AMD, 1993 MAR p. 682, Eff. 4/30/93; AMD, 1994 MAR p. 2524, Eff. 9/9/94; AMD, 1995 MAR p. 1037, Eff. 6/16/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 172, Eff. 2/1/02.)

10.55.602 DEFINITIONS For the purposes of this chapter, the following terms apply:

- (1) "Assessment" means the gathering, organizing, and evaluation of information about student learning in order to monitor and measure the effectiveness of the instructional program.
- (2) "Asynchronous" means not occurring at the same time. "Asynchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at different times, the period of which may vary by circumstance, (e.g., e-mail, threaded discussions, homework, message boards).
- (3) "Benchmark" means expectations for a student's knowledge, skills, and abilities along a developmental continuum in each content area. That continuum is focused at three points: the end of grade 4, the end of grade 8, and upon graduation (grade 12).
- (4) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of an approved teacher, administrator, or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s), and classification.

(5) "Combined elementary-high school district" means an elementary district and a high school district which are combined for district administration purposes, including districts designated as "K-12 districts" pursuant to 20-6-701, MCA. Most town school districts in Montana would fit this category, i.e., Helena, Hamilton, Whitehall.

(6) "Content standard" means what all students should know, understand and be able to do in a specific content area, such as reading, mathematics, or social studies.

(7) "Deviation" means a citation of non-compliance with any given standard.

(8) "Distance learning" means instruction in which students and teachers are separated by time and/or location with synchronous or asynchronous content, instruction, and communication between student and teacher (e.g., correspondence courses, online learning, videoconferencing, streaming video).

(9) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(10) "Independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through 8.

(11) "Part-time" means not less than six hours in a school week.

(12) "Performance standard" means the specific expectations for performance in each content area at each of the three benchmarks. Performance standards define the quality of performance and describe the performance to be demonstrated.

(13) "Program area standards" means the subject matter Montana school districts are required to offer and the strategies and proven practices used to instruct. The program area standards include: communication arts, arts, health enhancement, mathematics, science, social studies, career and vocational/technical education, technology, workplace competencies, library media, world languages and school counseling.

(14) "Program delivery standards" means the conditions, practices and resources school districts are required to provide for all students to have educational opportunities to learn, develop and demonstrate learning to content and performance standards.

(15) "Online learning" means education activity in which instruction and content are delivered primarily via the internet. Online learning is a form of distance learning.

(16) "School administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a class 3 license and is appropriately endorsed, or who is enrolled in a Board of Public Education approved administrator internship program under ARM 10.55.702 through 10.55.705.

(17) "Synchronous" means occurring at the same time. "Synchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at the same time even though they may be in different physical locations. For example, instruction in which students and teachers are online at the same time so that a question can be immediately answered (e.g., telephone calls, face-to-face meetings, physical classrooms, chat rooms, and videoconferencing).

(18) "Technology delivered learning" means instruction and content delivered via digital technologies (e.g., online, CD-ROM, DVD-ROM, or learning experiences that involve primarily the use of computers). (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2001 MAR p. 953, Eff. 6/8/01; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2080, Eff. 9/26/03; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.603 CURRICULUM AND ASSESSMENT (1) Local school districts shall incorporate all content and performance standards into their curriculum, implementing them sequentially and developmentally. School districts shall assess the progress of all students toward achieving content and performance standards in all program areas. Assessment of all students shall be used to examine the educational program and measure its effectiveness based on the content and performance standards.

(a) The examination of program effectiveness using assessment results shall be supplemented with information about graduates and other students no longer in attendance.

(b) The information obtained shall be considered in curriculum and assessment development.

(2) For content and performance standards in all program areas in accordance with ARM 10.55.602(8), school districts shall:

(a) establish curriculum and assessment development processes as a cooperative effort of personnel certified and endorsed in the program area and trustees, administrators, other teachers, students, specialists, parents, community and, when appropriate, tribal representatives and state resource people;

(b) review curricula at intervals not exceeding five years and modify as needed to meet educational goals of the five-year comprehensive education plan in accordance with ARM 10.55.601;

(c) at least every five years, review and select materials and resources necessary for implementation of the curriculum and assessment that are consistent with the goals of the five-year comprehensive education plan; and

(d) review curricula to ensure the inclusion of the distinct and unique cultural heritage of the American Indians.

(3) School district assessment plans shall be included in the comprehensive education plan.

(a) School districts shall use effective and appropriate multiple measures and methods to assess student progress in achieving content and performance standards in all program areas.

(b) Utilizing input from representatives of accredited schools, the Office of Public Instruction shall develop criteria and procedures for the selection of effective and appropriate multiple measures and methods to be used to assess student progress in reading and mathematics in grades 4, 8 and 11.

(c) The Office of Public Instruction shall provide technical assistance to districts to meet the criteria and procedures in (3)(b).

(d) Not later than the school year immediately following the completion of written sequential curricula aligned with the content and performance standards in a program area in accordance with ARM 10.55.601(6), the school district shall begin the development of a student assessment process for that program area. The assessment process must be in place two years following the development of written curriculum.

(4) In addition to the school-by-school reporting of norm-referenced testing results in accordance with ARM 10.56.101, districts shall annually report to the Office of Public Instruction the school level results of measures for the standards that are not adequately assessed by the norm-referenced tests in reading and mathematics at grades 4, 8 and 11.

(a) Utilizing input from representatives of accredited schools, the Office of Public Instruction will identify the additional standards in reading and mathematics that are to be assessed with other measures.

(b) The measures used to report to the Office of Public Instruction shall be included within the district assessment plan in accordance with ARM 10.55.601.

(c) The criteria and procedures set forth in (3)(b) shall be used by the Office of Public Instruction in an approval process to assure the quality of the other measures that will be used to assess and report progress in reading and mathematics at grades 4, 8 and 11. (History: 20-2-114, 20-2-121, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1997 MAR p. 1185, Eff. 7/8/97; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

10.55.604 VARIANCES TO STANDARDS (1) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to implement an alternative to a standard or a section of standards, excluding standards stating statutory criteria, standards pertaining to teacher licensure or endorsement, and content and performance standards as defined by the Board of Public Education and provided in guidance from the Superintendent of Public Instruction.

(a) In its application, the school district shall provide evidence establishing that its alternative is workable and educationally sound in comparison to the intent of the standard(s) that would be waived, and shall establish that the goals of the alternative will meet or exceed the results under the current standard(s).

(b) In its application, the school district shall submit a statement of mission and objectives, and identify formative and summative measures to be used to evaluate the effectiveness of the alternative.

(c) Upon appropriate application, the Board of Public Education shall approve or deny the proposed alternative.

(d) If the board denies the proposed alternative, it shall state in writing why it has done so.

(e) If the board approves the proposed alternative, its initial approval shall be for two years.

(f) During the second year of the initial approval, the Board of Public Education, through the Office of Public Instruction, shall direct an on-site evaluation of the alternative.

(g) If the board finds the alternative is workable and educationally sound in comparison to how the waived standard(s) previously worked in the district, the board shall renew the alternative for five years.

(h) Subject to on-site evaluations every five years, the board may continue to renew the alternative.

(i) A school district may discontinue an approved alternative at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

(2) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to create a charter school.

(a) A charter school must provide an education that meets or exceeds the requirements of the Montana Constitution, state law, and school accreditation standards.

(b) The Board of Public Education may only grant charters to publicly funded schools or programs under the supervision and control of a locally elected board of trustees in an existing school district.

(c) The procedure by which a school district may apply to create a charter school and by which the Board of Public Education may approve, deny, evaluate, and renew a charter school shall be identical to that outlined in ARM 10.55.604.

(d) To be proposed by a school district and approved by the Board of Public Education, a charter school shall, at a minimum, guarantee the following:

- (i) school district governance and control;
- (ii) unrestricted, open student access;
- (iii) compliance with all health and safety laws;
- (iv) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;
- (v) employee collective bargaining to the same extent as required or provided by state law; and
- (vi) a plan for consideration of input by community members and staff as to formation and implementation issues. Consideration of input may be identified by formation of advisory committees involving staff and/or community members, conduct of a properly noticed public meeting for purposes of comment on the formation or operation of the charter school, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest to the public regarding the formation or operation of the charter school.

(e) A school district may discontinue an approved charter school at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

(History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 623, Eff. 4/28/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.605 CATEGORIES OF ACCREDITATION (1) Regular accreditation means the school has:

- (a) its program aligned to the content and performance standards and program area standards;
- (b) certified staff that is appropriately assigned, and fully utilized;
- (c) school programs and resources that are adequate;
- (d) facilities that meet appropriate standards; and
- (e) school trustees, staff, parents, and community that work together to provide a quality education.

(2) When the school meets the regular accreditation standards with minor deviations, these deviations are noted on the annual accreditation status letter as minor citations when considering the school program in its entirety.

(3) Accreditation with advice means the school exhibits serious and/or numerous deviations from the standards. The school must submit an improvement plan developed by trustees, administrators, teachers, parents, and the community, to the Office of Public Instruction.

(4) Deficiency accreditation with assistance means that the school has been on advice status for at least two years and continues to have serious and/or numerous deviations, or has substantially increased the seriousness of deviations over the previous year.

(a) A school will be accredited with deficiency if:

- (i) the school employs as a teacher an individual who does not have a Montana teaching certificate;
- (ii) the school has a facility that creates an unhealthy environment with safety and health hazards; or
- (iii) the school provides an inadequate learning environment.

(b) The school administrator and the chair of the board of trustees will submit and/or come before the Board of Public Education with an improvement plan and a systematic procedure for correcting the deviations noted. The Office of Public Instruction will facilitate assistance to enable the school to accomplish the goals of the improvement plan and to correct the deviations.

(5) Nonaccredited status means that a school on deficiency status fails to document that it has met its improvement plan.

(6) A school seeking initial accreditation or reinstatement of accreditation shall meet the requirements of regular accreditation outlined in (1). This process shall include an on-site review from the Office of Public Instruction. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.606 PERFORMANCE-BASED ACCREDITATION (1) Performance-based accreditation gives a school district the option of obtaining, for one or more of its schools, accreditation through a process that involves self-evaluation, peer-review and on-site visitations. This method allows a school to meet accreditation standards by showing through its students' work that it provides a quality education. The school improvement plan serves as a basis for assessment of school effectiveness and an impetus for mobilizing improvement efforts.

(2) After engaging in a sustained school improvement effort, a school district, on behalf of one or more of its schools, may apply to the Superintendent of Public Instruction for performance-based accreditation. The Board of Public Education makes the final decision on whether a school is accredited through the performance-based accreditation process. The school improvement process shall incorporate the following six steps or their equivalent:

- (a) development of a student/community profile;
 - (b) development of a school mission and goals that reflect a locally derived philosophy of education;
 - (c) identification of desired learner results based on the content and performance standards;
 - (d) analysis of instructional and organizational effectiveness;
 - (e) development and implementation of a school improvement plan; and
 - (f) monitoring through self-assessment and visits by peers or teams.
- (3) To be granted performance-based accreditation, a school must:
- (a) engage in a continuous schoolwide improvement process;
 - (b) host at least two visitations, chaired by a person trained or experienced in the process to seek feedback and validate the school improvement process;
 - (c) notify the Superintendent of Public Instruction of the visitation dates and team members. A member of the staff of the Office of Public Instruction shall be invited to be a member of the visitation team;
 - (d) submit reports of the visitation to the Superintendent of Public Instruction; and
 - (e) apply to the Superintendent of Public Instruction for performance-based accreditation by providing documentation of school improvement, including, but not limited to:
 - (i) visitation reports;
 - (ii) a school improvement plan;
 - (iii) evidence of attainment or significant progress toward attainment of the school improvement plan goals; and
 - (iv) a recommendation from the visitation team that the Board of Public Education grant performance-based accreditation.

(4) After a review in which the school demonstrates successful attainment or significant progress toward achieving the desired learner results, the school may be granted performance-based accreditation for up to six years. The school is subject to peer or team reviews at least every three years. The review shall establish that:

- (a) the integrity of the school improvement process is maintained;
- (b) the school is making informed, data-driven decisions;
- (c) the process is school-based;
- (d) all steps of the school improvement process are connected and inform one another;
- (e) committees work collaboratively within and among one another;
- (f) the school implements each step appropriately; and
- (g) student learning is central to the entire process, with improvement demonstrated in desired learner results, based on content and performance standards.

(5) A school district, on behalf of one or more of its accredited schools electing this process, may petition the Superintendent of Public Instruction to recommend that the Board of Public Education waive existing standards that interfere with the school improvement plan, excluding standards stating a statutory requirement, standards pertaining to teacher certification and content and performance standards as defined by the Board of Public Education. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 2000 MAR p. 3340, Eff. 12/8/00.)

Subchapter 7

School Leadership

10.55.701 BOARD OF TRUSTEES (1) The board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations.

(2) The board of trustees shall provide in each school building at least one copy of the accreditation standards for staff and public review.

(3) Each school district shall have in writing and available to the staff and public:

- (a) a comprehensive philosophy of education;
- (b) goals that reflect the district's philosophy of education;
- (c) sequential curricula for each program area that aligns to the content and performance standards and the district's educational goals;
- (d) policies establishing student assessment procedures that ensure evaluation of the school's curricula and student learning. These procedures shall specify how and when data are to be collected, analyzed, and reported;
- (e) policies that delineate the responsibilities of the board, superintendent, and personnel employed by the school district. The trustees shall review these policies on a regular basis and make them available to employees and the public;
- (f) a policy on student, parent, and school employee due process rights;
- (g) a policy that is designed to address bullying, intimidation, and harassment of students and school personnel;
- (h) an equity policy;
- (i) a transfer policy for determining the appropriate placement of incoming students;
- (j) an academic freedom policy;
- (k) a materials selection policy, including a challenge procedure, for all curricular and support materials;
- (l) a copyright policy;
- (m) a policy that defines the use of school facilities and resources;
- (n) a parent involvement policy that encourages:
 - (i) regular, two-way and meaningful communication between home and school;
 - (ii) promotion and support of parenting skills;
 - (iii) that parents play an integral role in assisting student learning;
 - (iv) that parents are welcome in the school, and that their support and assistance are sought;
- (v) parents as full partners in the decisions that affect children and families; and
- (vi) community resources be used to strengthen schools, families, and student learning;
- (o) a policy that incorporates the distinct and unique cultural heritage of American Indians and that is aligned with district educational goals; and
- (p) a policy addressing distance, online, and technology delivered learning as defined in ARM 10.55.602.

(4) The board of trustees shall have valid, written contracts with all regularly employed certified administrative, supervisory, and teaching personnel.

(5) The board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed certified administrative, supervisory, and teaching personnel. The individual evaluated shall have a written copy of the evaluation, the opportunity to respond in writing to the evaluation, and access to his/her files. Personnel files shall be confidential.

(6) The board of trustees shall establish conditions that contribute to a positive school climate and morale by encouraging cooperative and harmonious relationships among the staff members, students, parents, and community.

(7) To enhance a positive learning environment, the board of trustees shall:

(a) establish a system to keep parents/guardians up to date on students' progress; and

(b) use technology and equipment to facilitate management and instruction.

(8) To ensure continuous education improvement, the district shall engage in a continuous school improvement process. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2006 MAR p. 755, Eff. 3/24/06; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.702 LICENSURE AND DUTIES OF DISTRICT ADMINISTRATOR - DISTRICT SUPERINTENDENT (1) The district superintendent shall be:

(a) licensed in accordance with state statutes and Board of Public Education rules;

(b) considered appropriately assigned if the superintendent is enrolled in a Board of Public Education approved administrator/district superintendent internship program as defined below:

(i) the intern must be enrolled in an approved administrator/district superintendent training program with the state of Montana;

(ii) the intern must have completed the principal endorsement requirements or be simultaneously enrolled in an administrator/principal internship program;

(iii) the intern must file an application with the Board of Public Education prior to placement within the local school districts in the state of Montana; and

(iv) at each assigned school district, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program.

(2) In cases where the intern is the only administrator hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.

(3) The district superintendent shall perform administrative duties in accordance with 20-4-402, MCA. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.703 LICENSURE AND DUTIES OF SCHOOL PRINCIPAL

(1) The school principal shall:

(a) be licensed in accordance with state statutes and Board of Public Education rules;

(b) be considered appropriately assigned if the principal is enrolled in a Board of Public Education approved administrator/principal internship program as defined below:

(i) the intern must be enrolled in an approved administrator/principal training program within the state of Montana;

(ii) the intern must file an application with the Board of Public Education prior to placement within a school district in the state of Montana;

(iii) at each assigned school, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program;

(iv) at each assigned school, the intern shall receive an appropriate level of supervision by a properly licensed and endorsed administrator hired by the district. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern. In cases where the intern is the only administrator hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year.

(c) have a license endorsed at the level assigned as a principal, except where one individual serves as the single administrator for the entire district under ARM 10.55.705(1)(a) or (b), where the superintendent may hold either a high school or elementary principal endorsement. No individual may be assigned a total of more than 100% full-time equivalent (FTE);

(d) consider ways to:

(i) provide instructional leadership;

(ii) exercise vision in defining and accomplishing the school's mission;

(iii) encourage teachers to have high expectations for student achievement;

(iv) stress the importance of parents' and students' roles in academic success;

(e) involve staff and others in decision making and in setting, accomplishing, and assessing educational goals;

(f) carry out the district's policies and procedures;

(g) be responsible for the effective day-to-day operation of the school, including the management of finances, materials, and human resources. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1992 MAR p. 1137, Eff. 5/29/92; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.704 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF DISTRICT SUPERINTENDENTS (1) A district superintendent for a combined elementary-high school district or a county high school district or an independent elementary school district shall be assigned as follows:

(a) full or part-time district superintendent and at least a half-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b) shall be employed for an independent elementary district with fewer than 18 full-time equivalent (FTE) licensed staff, or the district shall utilize the services of the county superintendent to fulfill the duties of the district superintendent. One individual may serve as both district superintendent and part-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100% FTE.

(b) A full or part-time district superintendent and at least a half-time school administrator/principal shall be employed for a combined elementary-high school district or a county high school district with fewer than 30 FTE licensed staff. A full or part-time district superintendent and at least a half-time school administrator/principal shall be employed for an independent elementary district with more than 18 but fewer than 30 FTE licensed staff. One administrator may serve as both superintendent and part-time school administrator/principal as defined in ARM 10.55.705 (1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100% FTE.

(c) A full-time (one FTE) district superintendent shall be employed for any district with 30 or more FTE licensed staff or 551 or more students.

(2) A combined elementary-high school district, or a county high school district, or an independent elementary school district with 100 or more FTE licensed staff shall employ a full-time curriculum coordinator to supervise the educational program and alignment of standards, assessment, curriculum, instruction, and instructional materials. The curriculum coordinator shall hold a class 3 administrative license. Those districts with less than 100 FTE licensed staff and no full-time curriculum coordinator shall employ the services of a regional curriculum consortium or a part-time, designated curriculum coordinator. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1992 MAR p. 1137, Eff. 5/29/92; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF SCHOOL ADMINISTRATORS/PRINCIPALS (1) School districts shall employ appropriately endorsed school administrators/principals as follows:

(a) for schools in third class elementary districts without a licensed administrator under contract, a supervising teacher and county superintendent will be accepted in satisfaction of administrator requirements for up to eight full-time equivalent (FTE) licensed staff;

(b) for schools in districts with an assigned licensed administrator under contract, the following staffing requirements shall apply:

(i) .5 FTE principal for schools with more than eight and less than 18 FTE licensed staff. A district may satisfy the FTE requirements of this subsection for a school under this circumstance by prorating the assignment of building administrators in other buildings of the district, so long as the number of licensed FTE staff for whom each administrator is responsible is not more than 29 and so long as the number of students for whom each administrator is responsible is not more than 550;

(ii) one FTE principal for schools with 18-29 FTE licensed staff or 250-550 students;

(iii) two FTE administrators/principals for schools with 551-1050 students;

(iv) three FTE administrators/principals for schools with 1051-1550 students;

(v) four FTE administrators/principals for schools with 1551-2050 students;

and

(vi) five FTE administrators/principals for schools with 2051 or more students.

(2) In schools that require two or more FTE administrators/principals, at least one individual shall be appropriately endorsed as principal. At least a second administrator shall have administrative endorsement(s) at the appropriate level(s) and in the area(s) that accurately reflects the administrator's supervisory responsibilities. For example, a school may assign properly licensed and endorsed curriculum coordinators to supervise the appropriate instructional programs.

(3) In schools with at least three FTE school administrators who are administratively endorsed, release time of department coordinators or chairpersons may be counted toward additional school administration. Department coordinators or chairpersons counted toward school administration may observe and supervise but shall not formally evaluate classroom instruction. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1992 MAR p. 1137, Eff. 5/29/92; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2007 MAR p. 692, Eff. 5/25/07.)

10.55.706 TEACHER INVOLVEMENT (1) Teachers shall be involved in curriculum development and student assessments and in the promotion of a school climate that enhances student learning, achievement, and well-being. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.707 TEACHER AND SPECIALIST LICENSURE (1) Teachers shall hold Montana teaching licenses.

(2) An emergency authorization of employment is not a valid license; it is granted to a district which, under emergency conditions, cannot secure the services of a licensed teacher.

(3) All school psychologists must be licensed with a class 6 specialist license.

(4) Licensed teachers and school counselors who are enrolled in Board of Public Education approved internship programs according to the following provisions shall be considered appropriately assigned when teaching or serving in the internship area.

(a) Only an accredited educator preparation institution located within the boundaries of the state of Montana shall be eligible to operate an approved endorsement area internship program.

(b) Only a currently licensed Montana teacher enrolled in an approved endorsement area internship program shall be considered appropriately assigned when teaching or serving in the endorsement area within three years following the date of initial enrollment.

(c) An educator preparation program shall obtain approval of the Board of Public Education prior to placing interns in positions in local school districts in the state of Montana. In order to gain approval, the program must:

(i) file an application with the Board of Public Education;

(ii) include a model plan for preparation of interns prior to placement that shall include, at a minimum, completion of or enrollment in six semester credits of study in the endorsement field the teacher is pursuing;

(iii) appoint a faculty member responsible for ensuring compliance with all program requirements by interns enrolled in the program, which shall include, as a minimum, an on-site visit to each school district in which an intern is placed at least once during the term of the internship.

(d) All interns placed in a school district shall receive an appropriate level of periodic supervision and training by a licensed teacher who is currently endorsed in the intern's prospective endorsement area.

(5) All personnel whose qualifications are not outlined in the certification standards must have a license issued by the appropriate state or federal licensing agent or national registry if required by the existing rules and regulations. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1991 MAR p. 1933, Eff. 10/18/91; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.708 TEACHING ASSIGNMENTS (1) Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. Exceptions are:

(a) individuals serving in internship positions approved by the Board of Public Education;

(b) teachers assigned in grade 5 or 6 in the departmentalized classroom or middle school, who hold a 5-12 secondary certificate, must be endorsed in the subjects they are teaching. A 5-12 certificate will not cover a grade 5 or 6 assignment in a self-contained classroom;

(c) clarifications of teaching assignments in grades 5 through 12 departmentalized settings are published in Appendix A of the "Montana School Accreditation Standards and Procedures Manual" adopted November 2000.

(2) Certification at the elementary level entitles the holder to teach in grades K through 8.

(3) No teacher shall have more than 28 hours of assigned student responsibility per week except for one-, two-, and three-teacher schools. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.709 LIBRARY MEDIA SERVICES, K-12 (1) The library shall be housed in a central location, and each school shall have a full-time or part-time certified school library media specialist with a K-12 library media endorsement at the following ratio:

(a) .5 FTE for schools with 126-250 students;

(b) 1 FTE for schools with 251-500 students;

(c) 1.5 FTE for schools with 501-1000 students;

(d) 2 FTE for schools with 1001-1500 students;

(e) 2.5 FTE for schools with 1501-2000 students;

(f) 3 FTE for schools with 2001 or more students.

(2) Schools or districts of fewer than 125 students shall employ or contract with a certified, endorsed school library media specialist, or seek alternative ways to provide library media services, using certified personnel. For example, they may contract for services or receive services from a regional, certified library media specialist provided through joint efforts of adjacent districts and/or counties.

(a) Alternative services shall include:

(i) instruction in library media skills;

(ii) administration of a library media program that meets the district's instructional goals;

(iii) collection, development and management;

(iv) reader assistance;

(v) library media collection management; and

(vi) inservice in the use of new resources and equipment. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.710 ASSIGNMENT OF SCHOOL COUNSELING STAFF (1) A minimum equivalent of one full-time counselor for each 400 elementary (K-8) students shall be provided. The counselor/student ratio shall be prorated.

(2) A minimum equivalent of one full-time counselor for each 400 high school students (including grades 7 and 8 if high school funding is received) shall be provided. The counselor/student ratio shall be prorated.

(3) Schools and/or districts with fewer than 125 students shall:

(a) employ or contract with a licensed, endorsed school counselor or class 6 specialist; or

(b) seek alternative ways to provide counseling services and meet the required school counseling program goals using licensed personnel. For example, they may contract for services or receive services from a licensed school counselor or class 6 specialist provided through joint efforts of adjacent districts and/or counties.

(i) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the Superintendent of Public Instruction and seek approval from the Board of Public Education. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.55.711 GENERAL: CLASS SIZE AND TEACHER LOAD (1) These standards do not require a minimum class size at any grade level or for any subject offered. One pupil may be considered a class. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 625, Eff. 4/28/95.)

10.55.712 CLASS SIZE: ELEMENTARY (1) In single grade rooms, the maximum class size shall be:

- (a) no more than 20 students in kindergarten and grades 1 and 2;
- (b) no more than 28 students in grades 3 and 4;
- (c) no more than 30 students in grades 5 through 8.

(2) In multigrade classrooms, the maximum class size shall be:

- (a) no more than 20 students in grades K, 1, 2, and 3;
- (b) no more than 24 students in grades 4, 5, and 6;
- (c) no more than 26 students in grades 7 and 8.

(3) Multigrade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.

(4) In one-teacher schools, the maximum class size shall be 18 students.

(5) Instructional aides are mandatory when class size or teacher load exceed the standards. An instructional aide shall be assigned a minimum of 1 1/2 hours per day, per student overload up to six hours.

(6) An overload of five students per classroom is considered excessive.

(History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 625, Eff. 4/28/95; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.713 TEACHER LOAD AND CLASS SIZE: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL, AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES

(1) In addition to the school administrator, the school shall employ a sufficient number of certified FTEs to allow for varying instructional patterns including, but not limited to teaming, core curriculum and departmentalization. Each program offered shall have properly endorsed FTE(s).

(2) Individual class size shall not exceed 30 students.

(a) Class size limits do not apply to instrumental music or choral groups.

(b) Laboratory/studio class size shall be limited for safety purposes. The number of students shall be determined through consultation with the teacher, considering the number, size and use of laboratory stations.

(3) The number of students assigned a teacher per day shall not exceed 150.

(a) Study hall, regardless of size, shall be counted at 15 students.

(b) Student limits do not apply to instrumental music or choral groups.

(c) Library, guidance, and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full time in these areas, the assignment may be for the entire day.

(4) Teachers with a significant writing program, as determined by the local board of trustees, shall have a maximum load of 100 students. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.714 PROFESSIONAL DEVELOPMENT (1) By definition, professional development:

- (a) focuses on teachers as central to student learning, yet includes all other members of the school community;
- (b) focuses on individual, collegial, and organizational improvement;
- (c) respects and nurtures the intellectual and leadership capacity of teachers, principals, and others in the school community;
- (d) reflects proven research and practice in teaching, learning, and leadership;
- (e) enables teachers to develop further experience in subject content, teaching strategies, uses of technologies, and other essential elements in teaching to high standards;
- (f) promotes continuous inquiry and improvement embedded in the daily life of schools;
- (g) is ongoing and sustained;
- (h) is planned collaboratively by those who will participate in and facilitate that development;
- (i) requires substantial time and other resources;
- (j) is driven by a coherent long-term plan; and
- (k) is evaluated ultimately on the basis of its impact on teacher effectiveness and student learning, and this assessment guides subsequent professional development efforts.

(2) Teachers and specialists shall annually complete a minimum of three pupil instruction related (PIR) days dedicated exclusively to professional development.

(a) A professional development PIR day shall constitute six hours of contact time.

(b) A school district may divide a professional development PIR day into no fewer than two-hour blocks of contact time.

(c) A professional development block may be held on the same day as a pupil instruction day, but a school district shall not schedule a professional development PIR day to convene simultaneously with a pupil instruction day.

(3) School district trustees shall establish an advisory committee to evaluate the school district's current school year professional development plan and develop and recommend a plan for the subsequent school year.

(a) The advisory committee shall include, but not be limited to, trustees, administrators, and teachers. A majority of the committee shall be teachers.

(b) Each school year, school district trustees shall adopt a professional development plan for the subsequent school year based on the recommendation of the advisory committee.

(c) The plan recommended by the advisory committee and adopted by the school district trustees shall outline how, when, and from whom teachers and specialists shall meet their professional development PIR day expectations.

(d) Although the advisory committee's recommendation is advisory, the plan adopted by the school district trustees must include two professional development PIR days in October during which schools must close in order to permit teachers and specialists to attend the annual professional development meetings of state professional associations.

(e) The adopted plan may include alternatives but shall not interfere with or prohibit teacher and specialist attendance at the annual October professional development meetings of state professional associations.

(f) Teachers and specialists who do not attend the annual professional development October meetings of state professional associations or school district plan approved alternative professional development PIR days shall not be paid for the days they are absent.

(g) Teachers, specialists, administrators, and school districts shall not substitute for professional development PIR day purposes professional development opportunities not specifically outlined in the school district's adopted professional development plan.

(h) School district trustees shall file their adopted professional development plan with the Office of Public Instruction and make their plan available to employees and the public. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.715 INSTRUCTIONAL AIDES: QUALIFICATIONS AND SUPERVISION (1) Instructional aides need not be certified; however, the following supervision is required:

(a) Instructional aides assigned due to classroom size or diversity shall be under the direct supervision of a certified teacher. This means that the aide shall be supervised by a certified teacher who is responsible for instruction and assessment of students. The supervising teacher shall be available while the aide is fulfilling his/her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.

(b) Instructional aides assigned to assist students with special education needs shall be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional aide and not to delegate any activity to the instructional aide that requires professional skill, knowledge and judgment.

(c) Instructional aides assigned to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher certified at the proper level. The supervising teacher is responsible for instruction and assessment of students and shall not be simultaneously assigned to another teaching duty or preparation time. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.716 SUBSTITUTE TEACHERS (1) Substitute teachers may be used for extended teacher absences under the following conditions:

(a) In cases where a regular, licensed teacher under contract is temporarily unable, by reason of illness or for other reasons approved by the school district board of trustees, to fulfill the teacher's duties, substitute teachers may be employed to carry on the duties of that teacher's position for a period not to exceed 35 consecutive teaching days. Such substitutes need not hold a current license, but preference shall be given to those substitutes who are properly licensed.

(b) If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM 10.57.107.

(2) Any nonlicensed substitute teacher shall complete a minimum of three hours of training, as approved by the school district board of trustees.

(3) Any nonlicensed substitute teacher must have received a high school diploma or have attained a passing score on the general education development assessment.

(4) A district that employs a nonlicensed substitute teacher must conduct a fingerprint-based background check of that individual according to the following procedures:

(a) The nonlicensed substitute teacher must present a complete set of fingerprints to a qualified law enforcement agency to be submitted to the school district.

(b) The district shall not employ the nonlicensed substitute teacher until state and federal authorities have reported the results of the background check or until the district has conducted a reference check of the individual.

(c) The district shall accept the report of a previous fingerprint-based background check if it is submitted by a Montana university or college for a student currently or formerly enrolled in an accredited Montana professional educator program. The report shall not be accepted if it was completed more than two years prior to the date of submission.

(d) The district shall consider the information obtained from the results of the fingerprint-based background check under the provisions of Title 37, chapter 1, part 2, MCA, governing the licensure of criminal offenders and under 20-4-110, MCA. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the district as grounds for removal from the classroom if the conviction was for a sexual offense, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

(5) Sections (2), (3), and (4) may be waived by the trustees in whole or in part, if the nonlicensed substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002. (History: 20-4-102, MCA; IMP, 20-4-102, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD & TRANS, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2007 MAR p. 504, Eff. 4/27/07.)

10.55.717 ASSIGNMENT OF PERSONS PROVIDING INSTRUCTION TO BRAILLE STUDENTS (1) No certified or classified employee of a school district, cooperative, or any contracted service provider shall be assigned to provide instruction of Braille to a student or produce Braille materials who has not demonstrated competency in "contracted" (grade two) standard literary Braille code by:

(a) successful completion of the National Literary Braille Competency Test; or

(b) successful completion of the Braille competency test developed by Portland State University (Braille Literacy Usage Exam); or

(c) successful completion of Library of Congress transcriber's certificate; or

(d) successful completion of a program, for teaching visually impaired students, from an accredited college or university.

(2) The employing agency (school district and/or cooperative) is responsible for monitoring appropriate assignment of personnel under (1).

(3) Any person under (1) shall have two years, from the date that the individual has been initially assigned to provide instruction in Braille or to produce Braille materials, to successfully pass the testing requirements.

(4) A person who has met the requirements of (1) shall maintain their facility with "contracted" (grade two) standard literary Braille code through continuing education opportunities.

(5) For the purposes of (4), an approved provider of continuing education may include any entity approved by the Montana Office of Public Instruction and/or the Montana Board of Education.

(6) Individuals who seek to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals will provide a copy of their documentation to their employing school district.

(7) If a paraprofessional, who has not successfully met the requirements found in (1), is assigned to work with a student who has a visual impairment, the paraprofessional will be supervised by the district's special education teacher in collaboration with a teacher of the visually impaired who holds a credential from an accredited university. In addition, the assigned paraprofessional and the school district shall meet the requirements contained in (1) within two years of the date a student with a visual impairment has been identified as in need of Braille instruction and/or materials. (History: 20-2-114, MCA; IMP, 20-1-121, 20-7-475, MCA; NEW, 2007 MAR p. 188, Eff. 2/9/07.)

Subchapter 8

Educational Opportunity

10.55.801 SCHOOL CLIMATE (1) The board of trustees shall:

- (a) encourage cooperative and harmonious relationships among staff, students, parents, trustees, and community;
 - (b) determine whether or not its staff turnover is excessive and, if it is, the reasons why;
 - (c) create teaching and learning conditions that meet the district's educational goals and attract and maintain a quality staff;
 - (d) develop policies, procedures, and rules that respect the rights of all learners, promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel;
 - (e) offer programs and services which, in content and presentation, endeavor to be free of stereotyping in terms of age, sex, religion, race, national origin, or handicapping condition;
 - (f) provide programs and services that meet the needs of students which the school has identified as at-risk;
 - (g) inform students of the school's expectations and of students' rights and responsibilities;
 - (h) encourage students to take responsibility for their education, including preparing for and participating in class and school activities, taking full advantage of learning services provided, helping design their educational goals, and conducting themselves respectfully and appropriately;
 - (i) encourage the active involvement of parents in their children's education and in their school;
 - (j) provide opportunities for parents, educators, and members of the community to take active roles in developing and reviewing educational goals.
- (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2006 MAR p. 755, Eff. 3/24/06.)

10.55.802 OPPORTUNITY AND EDUCATIONAL EQUITY (1) It is the purpose of the accreditation standards to guarantee equality of educational opportunity to each person regardless of sex, race, marital status, national origin, or physical or mental disability. This includes programs, facilities, textbooks, curriculum, counseling, library services, and extracurricular activities. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1994 MAR p. 166, Eff. 1/28/94; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.803 LEARNER ACCESS (1) Equal opportunity to learn is a primary consideration of all program areas, at all levels. In order to integrate this concept throughout the education program, the board of trustees shall develop and implement processes for assessing the educational needs of its students.

(2) In developing curricula in all program areas, the board of trustees shall:

(a) provide learning experiences matched to students' interests, readiness, and learning style;

(b) take into account individual and cultural diversity and differences among learners. Cultural and language differences should be viewed as valuable and enriching resources and should take into account the unique needs of American Indian students and other minority groups;

(c) develop an understanding of the values and contributions of Montana's American Indians for all students;

(d) provide learning resources that are culturally relevant, inclusive, and current;

(e) provide opportunities for individual self-direction and decision making;

(f) provide equal access to learning resources, including technology;

(g) provide instructional materials which are sequential and compatible with previous and future offerings;

(h) provide books and materials that reflect authentic historical and contemporary portrayals of American Indians; and

(i) identify, using the school's own criteria, students who may be at risk or in need of special services. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.804 GIFTED AND TALENTED (1) Schools shall provide educational services to gifted and talented students that are commensurate to their needs, and foster a positive self-image.

(2) Each school shall comply with all federal and state laws and regulations addressing gifted education.

(3) Each school shall provide structured support and assistance to teachers in identifying and meeting diverse student needs, and shall provide a framework for considering a full range of alternatives for addressing student needs. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.) SEE ADMINISTRATIVE CODE COMMITTEE OBJECTION THAT FOLLOWS:

At its December 15, 1989, meeting, the Administrative Code Committee unanimously voted that this rule is invalid because it mandates a gifted and talented children program in each school district. Section 20-7-902(1), MCA, provides that "a school district may identify gifted and talented children and devise programs to serve them". The code section thus makes establishment of the program discretionary, at the choice of the school district. An administrative rule is invalid if it conflicts with a statute. See 2-4-305(5) and (6)(a), MCA. The committee, which has general legislative branch oversight over the adoption and application of administrative rules, has done extensive research into the validity of this rule and considered the matter at numerous committee meetings. This objection is authorized by, and is published pursuant to, 2-4-406, MCA, which also provides that once the objection is published the agency that adopted the rule bears the burden, in any action challenging the legality of the rule, of proving that the rule or portion of the rule objected to was adopted in substantial compliance with sections 2-4-302, 2-4-303, and 2-4-305, MCA. That section also provides that the court may award costs and reasonable attorney fees against the agency if the court finds that the agency failed to meet its burden of proof and that the rule was adopted in arbitrary and capricious disregard for the purposes of the statute that authorized the rule. The Administrative Code Committee's objection to the rule does not constitute a vote or opinion on the question of the desirability of gifted and talented children programs, but rather, an opinion solely on the issue of whether the rule violates the Montana Administrative Procedure Act found in Title 2, Chapter 4, of the Montana Code Annotated in that the rule makes mandatory what the Montana Code Annotated makes discretionary.

10.55.805 SPECIAL EDUCATION (1) Each school shall comply with all federal and state laws and regulations addressing special education.

(2) Each school shall provide structured support and assistance to regular education teachers in identifying and meeting diverse student needs, and shall provide a framework for considering a full range of alternatives for addressing student needs.

(3) Students with disabilities shall be given opportunities to become confident, dignified, and self-sufficient members of society.

(4) A student who has successfully completed the goals identified on an individualized education program for high school completion shall be awarded a diploma. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/91; AMD, 1994 MAR p. 166, Eff. 1/28/94; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

Subchapter 9

Academic Requirements

10.55.901 BASIC EDUCATION PROGRAM: ELEMENTARY (1) An elementary school shall have an education program aligned to the program area standards that enables students to meet the content and performance standards. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.902 BASIC EDUCATION PROGRAM: MIDDLE GRADES (1) A school with middle grades must have an education program aligned to the program area standards that enables all students to meet the content and performance standards.

(2) In order to receive funding at the high school rate for grades 7 and 8, the program must follow either the middle school philosophy and components described in (3) or the departmentalized philosophy and components (often seen in junior high settings) described in (4).

(3) An officially recognized middle school must be approved by the Board of Public Education upon recommendation of the superintendent of public instruction.

(a) A middle school specifically addresses the unique nature of middle-grade children by focusing on their intellectual, social, emotional, and physical development. To put such philosophy into practice, a middle school must have flexibility to:

- (i) approach instruction, scheduling, and teaching in a variety of ways;
- (ii) undertake interdisciplinary work; and
- (iii) plan blocks of coursework deriving from the intellectual, social, emotional, and physical needs of middle school students.

(b) Critical and creative thinking, career awareness, lifelong learning, and safety must be incorporated in the school program.

(c) At a minimum, the following program areas shall be required of all students yearly:

- (i) communication arts including, but not limited to literature, reading, writing, speaking and listening, media literacy;
- (ii) mathematics including, but not limited to written and mental computation and problem solving;
- (iii) physical and life sciences;
- (iv) social studies; and
- (v) health enhancement.

(d) At a minimum, the middle school curriculum shall maintain in balance the following required program areas:

(i) visual arts including, but not limited to art history, art criticism, aesthetic perception, and production;

(ii) music including, but not limited to general, instrumental, and vocal (emphasizing comprehensive music elements, music history, criticism, aesthetic perception, and musical production);

(iii) vocational technical education such as agriculture, business education, family and consumer sciences, industrial arts, and marketing; and

(iv) world languages.

(e) Exploratory courses such as creative writing, dance, drama, photography, and leadership shall be offered as electives to all students.

(4) A junior high or 7-8 school for middle grades must offer an educational program, aligned to the program area standards, that enables all students to meet the content and performance standards. The educational program shall be designed to familiarize students with the high school setting and provide content-specific instruction.

(a) All students shall complete the following program areas each year:

(i) communication arts--1 unit;

(ii) social studies--1 unit;

(iii) mathematics--1 unit;

(iv) science--1 unit; and

(v) health enhancement--1/2 unit.

(b) All students must be allowed to elect from the following program area offerings:

(i) visual arts--1/2 unit;

(ii) music--1/2 unit;

(iii) vocational technical education--1/2 unit; and

(iv) world languages--1/2 unit.

(c) A unit is defined as the equivalent of at least 225 minutes per week for one school year.

(d) Time to pass between classes may be counted toward the standard school day but shall not be counted toward class time. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.903 BASIC EDUCATION PROGRAM: JUNIOR HIGH AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (REPEALED) (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; REP, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.904 BASIC EDUCATION PROGRAM OFFERINGS: HIGH SCHOOL

(1) The basic education program, aligned to the program area standards, for grades 9 through 12 shall be at least 20 units of coursework that enable all students to meet the content and performance standards.

(2) Minimum offerings shall include at least the following:

- (a) 4 units of English language arts;
- (b) 3 units of mathematics;
- (c) 3 units of science;
- (d) 3 units of social studies;
- (e) 2 units of vocational/technical education;
- (f) 2 units of arts;
- (g) 1 unit of health enhancement;
- (h) 2 units of world languages; and
- (i) 2 units of electives. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.905 GRADUATION REQUIREMENTS

(1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that enable all students to meet the content and performance standards.

(2) In order to meet the content and performance standards, the following 13 units shall be part of the 20 units required for all students to graduate:

- (a) 4 units of English language arts;
- (b) 2 units of mathematics;
- (c) 2 units of social studies;
- (d) 2 units of science;
- (e) 1 unit of health enhancement, with 1/2 unit each year for two years;
- (f) 1 unit of arts;
- (g) 1 unit of vocational/technical education.

(3) Units of credit earned in any Montana high school accredited by the Board of Public Education shall be accepted by all Montana high schools.

(4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.906 HIGH SCHOOL CREDIT

(1) A high school shall require a minimum of 20 units of credit for graduation, including ninth grade units. A unit of credit shall be given for satisfactory completion of a full-unit course.

(a) A unit of credit is defined as the equivalent of at least 225 minutes per week for one year.

(b) Passage of time between classes may be counted toward the standard school day but shall not be counted toward class time.

(2) A student who is unable to attend class for the required amount of time may be given fractional credit for partial completion of a course, with the local administrator's permission.

(3) Each governing authority may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

(4) With the permission of the school district trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's curriculum and assessment requirements, which are aligned with the content and performance standards stated in the education program. Examples of possible acceptable course work include correspondence and extension courses, distance learning courses, adult education, summer school, work study, specially designed courses and challenges to current courses. Any acceptable program must be consistent with local board policy.

(a) Any Montana high school shall accept such units of credit taken with the approval of the accredited Montana high school in which the student was then enrolled and which appear on the student's official transcript. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED LEARNING (1) This rule establishes requirements for distance, online, and technology delivered learning programs and/or courses that fulfill elementary or middle grades basic education programs and/or high school graduation requirements.

(2) School districts may receive and/or provide distance, online, and technology delivered learning programs.

(a) School districts receiving distance, online, and technology delivered learning programs to supplement instruction may utilize distance, online, and technology delivered learning as they would other supplementary resources without restriction.

(b) Distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the school district and be aligned with state content and performance standards.

(c) A school district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs.

(3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana or elsewhere in the area of instruction taught with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3). School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator for each course and available to the students.

(a) When a teacher of distance, online, and technology delivered learning programs and/or courses does not possess the qualifications specified in (3), the facilitator must be licensed and endorsed in Montana or elsewhere in the area of instruction facilitated with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3).

(i) The provisions of (3) and (3)(a) shall not be effective until July 1, 2009.

(b) When a teacher of distance, online, and technology delivered learning programs is qualified as provided in (3), the receiving school district's facilitator shall be a licensed teacher or a para-educator.

(c) School districts receiving distance, online, and technology delivered learning programs and/or courses must provide qualified facilitators for synchronous delivery to students in schools accredited by the Montana Board of Public Education, requiring physical presence of a facilitator, and for asynchronous delivery, requiring facilitators be available to students.

(d) The school district must ensure that the distance, online, and technology delivered learning facilitators receive in-service training on technology delivered instruction pertaining to:

- (i) the course organization;
- (ii) classroom management;
- (iii) technical aspects of the delivery method;
- (iv) strategies for use of distance learning;
- (v) monitoring of student testing;
- (vi) and securing other services as needed.

(4) Montana school districts providing distance, online and technology delivered learning shall comply with the teacher load requirements of ARM 10.55.713(3).

(5) All providers or coordinating entities of distance, online, and technology delivered learning programs shall annually, no later than October 1:

- (a) register with the Office of Public Instruction;
- (b) identify all Montana school districts to whom they are providing distance, online, and technology delivered programs and/or courses;
- (c) document the professional qualifications, including Montana teacher licensure and endorsement, of their teachers of distance, online, and technology delivered programs and/or courses;
- (d) provide the course description including the content and delivery model for each distance, online, and technology delivered program and/or course provided to Montana schools; and
- (e) demonstrate that the students they serve have ongoing contact with their teachers of distance, online, and technology delivered learning programs and/or courses. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 626, Eff. 4/28/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2004 MAR p. 719, Eff. 4/9/04; AMD, 2007 MAR p. 692, Eff. 5/25/07; AMD, 2008 MAR p. 2048, Eff. 9/26/08.)

10.55.908 SCHOOL FACILITIES (1) School facilities shall be constructed, maintained, and supervised in accordance with all applicable local, state and national codes, regulations, and laws.

(2) School facilities shall be of sufficient size and arrangement to meet all programs' educational goals.

(3) The board of trustees shall provide for educational facilities which are pleasant and reasonably safe for the conduct of the educational and extracurricular activities of students, and which will meet federal accessibility standards.

(4) The school shall provide the necessary equipment for emergency nursing care and first aid.

(5) When the board of trustees considers major remodeling or building a facility, it shall seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

(6) The board of trustees shall have in writing a policy that defines the use of school facilities and resources. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD & TRANS from 10.55.2001, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.909 STUDENT RECORDS (1) Each school shall keep, in secure storage, a permanent file of students' records, that shall include:

- (a) the name and address of the student;
- (b) his/her parent or guardian;
- (c) birth date;
- (d) academic work completed;
- (e) level of achievement (grades, standardized achievement tests);
- (f) immunization records as per 20-5-406, MCA; and
- (g) attendance data.

(2) The board of trustees shall establish policies and procedures for the use and transfer of student records that are in compliance with state and federal laws governing individual privacy. All educational records collected and maintained by a school shall be kept in a confidential manner according to the implementing regulations of the Family Educational Rights and Privacy Act (FERPA) at 34 CFR part 99.

(3) All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1994 MAR p. 166, Eff. 1/28/94; AMD & TRANS from 10.55.2002, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2004 MAR p. 2277, Eff. 9/24/04; AMD, 2005 MAR p. 575, Eff. 4/15/05.)

10.55.910 STUDENT DISCIPLINE RECORDS (1) Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. For the purpose of this rule, a disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record is subject to transfer to a local educational agency or accredited school pursuant to 10-1-213(4), MCA. Upon request, a copy of this record shall be sent to a nonpublic school pursuant to 20-1-213(7), MCA, and the No Child Left Behind Act, 20 USC 6301. (History: 20-2-114, MCA; IMP, 20-1-213, 20-2-121, MCA; NEW, 2005 MAR p. 1390, Eff. 4/15/05.)

Subchapter 10

Program Area Standards

10.55.1001 DISTRICT'S RESPONSIBILITIES FOR PROGRAM DELIVERY STANDARDS (1) It is the school district's responsibility to incorporate content and performance standards into its curriculum, implementing them sequentially. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

10.55.1002 CROSS-CONTENT AND THINKING SKILLS (REPEALED) (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; REP, 2001 MAR p. 953, Eff. 6/8/01.)

10.55.1003 PROGRAM FOUNDATION STANDARDS (1) The purpose of all programs is to develop and apply knowledge and skills necessary to pursue lifelong goals and opportunities. Program foundation standards are the common conditions, practices, and resources that cross all programs within a school system to ensure that all students have educational opportunity to learn, develop, and demonstrate learning to the content and performance standards. All programs shall follow the content and performance standards in the accreditation rules of Montana. In addition, all programs shall work to:

- (a) meet the following conditions:
 - (i) incorporate in curricular programs the distinct and unique cultural heritage of American Indians;
 - (ii) provide effective health enhancement instruction to all grades and to provide such instruction on a daily basis as part of the basic elementary education program;
 - (iii) provide physically, emotionally, and educationally safe and supportive learning and working environments, including environments free from bullying, intimidation and harassment;
 - (iv) ensure an educational climate that promotes academic freedom and respect for diversity (e.g., gender, race, ethnicity, economic status, native language, disability, special gift and talent);
 - (v) maintain high expectations for student performance and behavior, and challenge every student at his/her level of need that stimulates a desire for lifelong learning;
 - (vi) encourage collaboration among school personnel to plan, assess, and support instruction; and
 - (vii) build school calendars and schedules based upon instructional needs.

- (b) include the following practices:
 - (i) align local curricula with the Montana content and performance standards;
 - (ii) offer engaging experiences that enable students to develop communication skills for fulfillment in their personal lives, workplaces, and communities;
 - (iii) teach ethical behavior and the implications of one's choices;
 - (iv) implement research-based instructional skills and strategies to improve student learning;
 - (v) encourage the use of the inquiry process and the application of multiple thinking, decision-making, and problem-solving skills;
 - (vi) emphasize common unifying themes or principles that build on students' prior experiences;
 - (vii) provide learning experiences that connect the disciplines and transfer learning from one context to another; and
 - (viii) integrate information literacy skills, technology tools, and workplace competencies to support learning in all curricular areas.
- (c) provide the following resources:
 - (i) access to regional, community, and school-based resources for teaching and learning;
 - (ii) qualified staff necessary to support the instructional process, including elementary teachers (00 endorsement) with at least ten semester credits in assigned subject areas when teaching departmentalized grades 5-8;
 - (iii) equitable access to all facilities, technology, equipment, materials, and services necessary to support the instructional process;
 - (iv) time for professional development that supports learning for all;
 - (v) a well-conceived mentoring program for teachers in the first three years of teaching; and
 - (vi) access to a variety of current technologies and information resources (e.g., libraries, databases, computer networks, videos). (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 2001 MAR p. 953, Eff. 6/8/01; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2006 MAR p. 755, Eff. 3/24/06.)

Subchapter 11

Communication Arts: Program

10.55.1101 COMMUNICATION ARTS PROGRAM DELIVERY STANDARDS

(1) In general, a basic program in communication arts shall:

(a) meet the following conditions:

(i) promote literacy and language excellence in the spoken, written, and visual form; and

(ii) make available a variety of print and non-print materials encompassing fiction and non-fiction, classic and contemporary works, and diverse perspectives including Montana American Indian works.

(b) include the following practices:

(i) integrate reading, literature, writing, speaking, listening, and media literacy with a balanced approach supported by current research and/or based on best practices in the field of communication arts;

(ii) emphasize multiple strategies and artistic forms to teach the conventions, demands, and responsibilities of language;

(iii) emphasize writing as a process;

(iv) provide opportunities for informal and formal speaking and listening;

(v) offer experiences in viewing, creating, and critically evaluating different types of media; and

(vi) encourage co-curricular offerings in drama, speech, debate, journalism, literary publications, and other related activities. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 12

Arts: Program

10.55.1201 ARTS PROGRAM DELIVERY STANDARDS (1) In general, a basic program in arts shall:

- (a) meet the following conditions:
 - (i) incorporate visual arts (e.g., drawing, painting, printmaking, photography, film, electronic media, sculpture, applied design, installation);
 - (ii) incorporate performing arts, including music (e.g., choral music, instrumental music, music appreciation), theater (e.g., drama, play production), and dance;
 - (iii) provide instruction that includes history of the arts, criticism, production, performance, and aesthetics; and
 - (iv) encourage a variety of co-curricular offerings (e.g., drama, literary and art publications, performance groups, arts clubs) and other avenues for students to practice their artistic skills in the community and the world.
- (b) include the following practices:
 - (i) structure activities to allow students to develop techniques in the arts;
 - (ii) allow students to explore the elements of artistic composition and a variety of media, functions, styles, and presentation forms;
 - (iii) provide access to exemplary works of art from diverse cultures and historical periods and access to current materials, techniques, technology, and processes in the arts; and
 - (iv) provide real audiences for student performance and products, display areas, and performance areas (e.g., stages, galleries, fairs). (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 13

Health Enhancement: Program

10.55.1301 HEALTH ENHANCEMENT PROGRAM DELIVERY
STANDARDS

- (1) In general, a basic health enhancement program shall:
 - (a) meet the following conditions:
 - (i) maintain class size in accordance with other curriculum areas;
 - (ii) focus on the knowledge and skills necessary to maintain a healthy lifestyle;
 - (iii) integrate and include components of the traditional "health" and "physical education" disciplines;
 - (iv) maintain a program that meets the educational requirements of health enhancement; and
 - (v) maintain adequate first aid materials and communication device capabilities.
 - (b) include the following practices:
 - (i) make appropriate use of technology in the curriculum;
 - (ii) give students the decision-making tools to promote personal and community responsibility;
 - (iii) address the physical, emotional, social, and intellectual dimensions of a healthy lifestyle; and
 - (iv) promote physical activity as a means to a healthy lifestyle. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

10.55.1302 HEALTH ENHANCEMENT PARTICIPATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Each student shall participate in a health enhancement program which is based on age, ability, and aptitude. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89.)

Subchapter 14

Mathematics: Program

10.55.1401 MATHEMATICS PROGRAM DELIVERY STANDARDS

- (1) In general, a basic mathematics program, shall:
- (a) meet the following conditions:
 - (i) provide a well-articulated curriculum that challenges students to learn increasingly more sophisticated mathematical ideas; and
 - (ii) provide conceptual mathematical understanding as well as factual knowledge and procedural facility.
 - (b) include the following practices:
 - (i) create, enrich, maintain, and adapt instruction to meet mathematical goals;
 - (ii) incorporate appropriate technology into the math program;
 - (iii) connect the development of skills and procedures to the more general development of mathematical understanding; and
 - (iv) effectively observe students, listen carefully to students' ideas and explanations, have mathematical goals, and use the information to make instructional decisions. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 15

Science: Program

10.55.1501 SCIENCE PROGRAM DELIVERY STANDARDS (1) In general, a basic program in science shall:

(a) meet the following conditions:

- (i) maintain an environment that recognizes scientific knowledge as the product of inquiry and is continually subject to review, verification, and revision; and
- (ii) foster an environment that embraces the interactions of science, technology, and society.

(b) include the following practices:

- (i) investigate problems of individual, social, and ethical importance in the natural world through the selection and application of appropriate scientific techniques;
 - (ii) connect initial inquiry and discovery to prior knowledge;
 - (iii) employ varied strategies for investigation, allowing students to understand science as a process, experience practical problem-solving, and develop critical thinking skills;
 - (iv) emphasize experimentation, data analysis, and the communication of findings to build new understandings by classifying ongoing observations, modeling natural phenomena, and developing the capacity to make inferences about unexplored concepts; and
 - (v) use technology for collaborative inquiries to extend curricular experiences within the school and to other schools, communities, and businesses.
- (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 16

Social Studies: Program

10.55.1601 SOCIAL STUDIES PROGRAM DELIVERY STANDARDS

(1) In general, a basic program in social studies shall:

(a) meet the following conditions:

(i) use strategies and methods that incorporate multiple perspectives as a basic component of social studies instruction;

(ii) support the democratic process to promote a learning environment to foster individual civic competence; and

(iii) integrate knowledge, skills, beliefs, values, and attitudes within and across disciplines to promote active citizenship.

(b) include the following practices:

(i) incorporate inquiry skills and strategies using both primary and secondary resources;

(ii) promote social criticism and socialization as a commitment to social responsibility;

(iii) analyze ethical dimensions and social policy implications of issues to provide an arena for reflective development of concern for individual needs and the common good;

(iv) promote decision-making skills and civic responsibilities through active participation (e.g., service learning projects); and

(v) nurture an understanding of the contemporary and historical traditions and values of American Indian cultures and other cultural groups of significance to Montana and to society. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 17

Vocational/Practical Arts: Program

10.55.1701 CAREER AND VOCATIONAL/TECHNICAL EDUCATION PROGRAM DELIVERY STANDARDS (1) In general, a basic program in career and vocational/technical education shall:

- (a) meet the following conditions:
 - (i) skill development leading to lifelong pursuits;
 - (ii) program development in consultation with an advisory council; and
 - (iii) opportunities for authentic application, work experience, and/or articulation with postsecondary education.
- (b) include the following practices:
 - (i) foster skill development for employment, advanced training, and lifelong learning;
 - (ii) input from representatives of business and industry;
 - (iii) analysis of skills and knowledge required in paid and non-paid careers;
 - (iv) leadership and character development through participation in career and technical student organizations (CTSOs);
 - (v) progression of skills and knowledge from basic to advanced; and
 - (vi) integration of career and vocational/technical competencies with academic knowledge in a contextual setting. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 18

Library Media: Program

10.55.1801 LIBRARY MEDIA PROGRAM DELIVERY STANDARDS

(1) In general, a basic program in library media shall:

(a) meet the following conditions:

(i) establish flexible scheduling to ensure that libraries respond to information needs, foster intellectual curiosity, and support learning;

(ii) ensure collaboration with classroom teachers of all disciplines to implement content area standards and to assist students in engaging in the inquiry/research process;

(iii) model and support the ethical use of information, adherence to copyright laws, and respect for intellectual property; and

(iv) advise the board of trustees on policy and rule pertaining to:

(A) developing and maintaining a library collection that is current, balanced, and reflects authentic historical and cultural contributions of Montana's American Indians and other minority and ethnic groups;

(B) engaging in comprehensive long range planning to administer and manage, in a secure area, the human, financial, and physical resources of the library to locate, access, and use on-site resources that are organized and cataloged; and

(C) implementing a viable collection development policy which includes the following components:

(I) materials selection and de-selection;

(II) challenged materials procedure;

(III) intellectual/academic freedom statement;

(IV) confidentiality assurance;

(V) copyright guidelines; and

(VI) gifts and donations.

(b) include the following practices:

(i) collaborate with classroom teachers of all disciplines to highlight and reinforce the commonalities and links between and among the curricular areas;

(ii) cooperate and join with other libraries, information agencies, and community resources in the sharing of materials;

(iii) encourage partnerships with information centers that use electronic information systems; and

(iv) participate in school-wide technology and telecommunications planning and promote its integration into all instructional programs. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Subchapter 19

School Counseling: Program

10.55.1901 SCHOOL COUNSELING PROGRAM DELIVERY STANDARDS

- (1) In general, school counseling shall:
- (a) meet the following conditions:
 - (i) provide a comprehensive developmentally planned program;
 - (ii) advocate for all students and encourage students to develop to their full potential;
 - (iii) respect the worth and dignity of all individuals by building trust and respecting confidentiality; and
 - (iv) contribute as an integral part of the education process that is delivered through a variety of systems by school staff, students, parents, business, and industry.
 - (b) include the following practices:
 - (i) maximize students' potential in the areas of academics, career, and personal/social development;
 - (ii) develop a guidance curriculum presented through structured groups and classroom presentations;
 - (iii) conduct individual planning using assessment, advisement, placement, and follow-up;
 - (iv) deliver responsive services through individual and group counseling, consultation, and referral; and
 - (v) provide system support through management, consultation with staff, community outreach, and public relations. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2001 MAR p. 953, Eff. 6/8/01.)

Sub-Chapter 20

School Facilities and Records

10.55.2001 SCHOOL FACILITIES (TRANSFERRED) (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD & TRANS to 10.55.908, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.2002 STUDENT RECORDS (TRANSFERRED) (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1994 MAR p. 166, Eff. 1/28/94; AMD & TRANS to 10.55.909, 2000 MAR p. 3340, Eff. 12/8/00.)

10.55.2003 SPECIAL EDUCATION RECORDS (REPEALED) (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1994 MAR p. 166, Eff. 1/28/94; REP, 2000 MAR p. 3340, Eff. 12/8/00.)

Subchapter 21

World Languages: Program

10.55.2101 WORLD LANGUAGES PROGRAM DELIVERY STANDARDS

(1) In general, a basic program in world languages shall:

(a) meet the following conditions:

(i) consistent and continual experience with the target language and culture;

(ii) access to native speakers or experts, authentic cultural contact, and culturally authentic materials (e.g., print, video, audio, literature, music, art); and

(iii) access to technology that provides contact with the target language.

(b) include the following practices:

(i) promote confidence in practicing the language by encouraging risk-taking and minimizing verbal correction;

(ii) maximize use of target language in an authentic manner through student-teacher and student-student interaction; and

(iii) build an authentic cultural ambiance. (History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 2001 MAR p. 953, Eff. 6/8/01.)